

REMARKS

The Examiner has rejected claims 1-2 and 6-8 under 35 USC 112, first paragraph, as failing to comply with the written description requirement and particularly does not disclose the now claimed range of molecular weight for the antioxidant components of Applicant's claims. The Examiner does admit that the now claimed "586.6" endpoint value for the antioxidant component of Applicant's claims is supported.

In reply thereto, Applicant respectfully submits that the lower end point of 400 is claimed in original claim 3 and described at page 12 of Applicant's application. Still further, the lower end point of 280 is claimed in original claim 5 and described at page 14 of Applicant's original application. In view of the above, therefore, Applicant respectfully submits that the application as originally filed does provide support for the range of molecular values now claimed for the antioxidant component of the claims and claims 1, 2 and 6-8 comply with the requirements of 35 USC 112, first paragraph.

The Examiner has rejected claims 1, 2, 4 and 6-8 under 35 USC 103 as being obvious over Katoh, et al., stating that Katoh et al. discloses polyurethane sealing materials comprising polyurethane foams prepared from material components which include antioxidant, antiozonant, catalysts, isocyanates and polyester polyols prepared from dimer acid initiators having molecular weights as claimed, but differs from Applicant's invention in that blends of the respective antiozonants and antioxidants specifically required to have molecular weights within the ranges of values claimed by Applicant's are not particularly demanded; however, absent a showing of a new and unexpected results, it is the Examiner's opinion that it would have been obvious to modify the ranges for the antiozonants and antioxidants.

In reply thereto, Applicant would like to first point out that Applicant's invention requires two different antioxidants. The antioxidants are the synthesizing antioxidant used to synthesize the polyol and the antioxidant used to create the polyurethane foam. Still further, Applicant respectfully submits that the polyol synthesized using the particular synthesizing antioxidant with its particular average number of molecular weight has particular properties. Accordingly, Applicant respectfully submits that the polyol which is synthesized by the particular antioxidant is not a limitation based on the means by which the antioxidants are incorporated and in fact is a physical limitation of the polyol. Also and similarly, Applicant respectfully submits that when the polyurethane foam is created using the particular antioxidant, it too is created to have

particular properties and particularly has the property that the amount of volatile organic compounds emitted from the polyurethane foam is reduced. Still further, Applicant respectfully submits that the advantage of Applicant's invention, namely reducing the amount of volatile organic compounds produced, cannot be achieved without using the synthesizing antioxidant and the antioxidant with the particular average number of molecular weight. Still further, Applicant respectfully submits that there is nothing in Katoh et al. to suggest that one would adjust the molecular weight of the synthesizing polyol or the antioxidant used in making the polyurethane foam in order to reduce the amount of volatile organic compounds emitted. Accordingly, Applicant respectfully submits that there is nothing to suggest to one of ordinary skill in the art to make the modifications suggested by the Examiner.

In addition, Applicant respectfully submits that nowhere in Katoh et al. does it show or suggest anything about the average molecular weight of the antiozonant utilized or that utilizing a particular antiozonant would result in a polyurethane foam with reduced volatile organic compounds. Again, Applicant respectfully submits that there is no suggestion to one of ordinary skill in the art to modify Katoh et al. by changing the average molecular weight of the antiozonant. Finally, Applicant respectfully submits that utilizing an antioxidant consisting of hindered phenol compounds and an antiozonant consisting of aromatic secondary amines is also not suggested or shown in Katoh et al.

In addition to the above, submitted herewith is a Rule 132 Declaration which Applicant respectfully submits is evidence of the new and unexpected results of Applicant's invention.

In view of the above, therefore, Applicant respectfully submits that claims 1, 2 and 6-8 are not obvious over Katoh et al.

Next, the Examiner rejects claims 1, 2 and 8 under 35 USC 103 as being obvious over Clauss, stating that Clauss discloses polyurethane sealing materials comprising polyurethane foams prepared from material components including antioxidants, antiozonants, catalysts, isocyanates and polyols which read on the products as claimed, but fails to disclose the particular ranges for the antiozonants and antioxidants; but absent a showing of new and unexpected results, it is the Examiner's opinion that the respective ranges for the antiozonants and antioxidants in molecular weight would have been obvious to one of ordinary skill in the art.

In reply thereto, Applicant would like to again point out that Applicant's invention requires two different antioxidants and antiozonants that all have particular average molecular

**RECEIVED  
CENTRAL FAX CENTER****APR 27 2007**

weight so as to achieve the advantage of reduced volatile organic compounds. In addition, the antioxidant in Applicant's invention is in effect two different antioxidants as discussed above, namely the synthesizing antioxidant for the polyol and the antioxidant used to create the polyurethane foam. The utilization of these two antioxidants in the two different portions of the process creates a polyol with particular characteristics and ultimately a polyurethane foam with the required advantages.

Applicant respectfully submits that there is nothing in Clauss to suggest that one would adjust the molecular weights of the antioxidant or antiozonant in order to reduce the volatile organic compounds produced and therefore, does not suggest to one of ordinary skill in the art to make this adjustment or change.

In addition to the above, submitted herewith is a Rule 132 Declaration which Applicant respectfully submits establishes evidence and a showing of new and unexpected results.

In view of the above, therefore, Applicant respectfully submits that claims 1, 2 and 8 are not obvious over Clauss.

Applicant further respectfully and retroactively requests a one-month extension of time to respond to the Final Office Action. Please charge Deposit Account No. 11-1445 in the sum of \$120.00 as the fee.

In view of the above, therefore, it is respectfully requested that this Rule 116 Amendment be entered, favorably considered, and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Rule 116 Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

By: 

William L. Androlia  
Reg. No. 27,177

2029 Century Park East, Suite 1140  
Los Angeles, California 90067-2983  
Tel: 310-277-1391  
Fax: 310-277-4118

**Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (571) 273-8300 on April 27, 2007.

William L. Androlia

Name

Signature

4/27/2007  
Date